

ORIGINAL

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HARRISBURG, PA

MAY 15 2002

MARY E. D'ANDREA, CLERK
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Deputy Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

LEWIS JOHNSON,
Plaintiff

v.

HERSHEL W. GOBER, Acting Secretary of
Veterans Affairs; et al.,
Defendants

No. 1:CV-00-1873

(Judge McClure)

DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

Defendants, Hershel W. Gober, the former Acting Secretary of Veterans Affairs, Rodney Kiscadden, Alice Fidler, Irvin Erickson, and Raymond Kent, by their counsel and pursuant to Fed. R. Civ. P. 56, move for summary judgment in their favor on the ground that there are no genuine issues as to any material facts and that defendants are entitled to judgment as a matter of law.

A brief in support of this motion will be filed in accordance with Local Rule 7.5.

Wherefore, defendants request that judgment be entered in their favor
and against plaintiff, Lewis Johnson.

Respectfully submitted,

THOMAS A. MARINO
United States Attorney

A handwritten signature in black ink, appearing to read "Kate L. Mershimer", with a long horizontal flourish extending to the right.

KATE L. MERSHIMER
Assistant U.S. Attorney
228 Walnut Street
P.O. Box 11754
Harrisburg, PA 17108-1754
717/221-4482

Date: May 15, 2002

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CERTIFICATE OF NON-CONCURRENCE

I, Kate L. Mershimer, Assistant U.S. Attorney and counsel for defendants, hereby state that pursuant to Local Rule 7.1, I contacted counsel for plaintiff, Andrew J. Ostrowski, Esquire, for his concurrence in defendants' motion for summary judgment and counsel advised that plaintiff does not concur.


KATE L. MERSHIMER
Assistant U.S. Attorney

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is an employee in the Office of the United States Attorney for the Middle District of Pennsylvania and is a person of such age and discretion to be competent to serve papers.

That this 15th day of May, 2002, she served a copy of the attached

DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

by placing said copy in a postpaid envelope addressed to the person hereinafter named, at the place and address stated below, which is the last known address, and by depositing said envelope and contents in the United States mail at Harrisburg, Pennsylvania.

Addressee:

Andrew J. Ostrowski, Esquire
4311 North Sixth Street
Harrisburg, PA 17110



KATE L. MERSHIMER
Assistant U.S. Attorney